

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

MDL 2804
Case No. 1:17-md-2804

*This Document Relates to:
All Cases*

Hon. Dan Aaron Polster

PLAINTIFFS' EXECUTIVE COMMITTEE'S CROSS-NOTICE OF
REMOTE DEPOSITION AND NON-RETAINED EXPERT WITNESS
DISCLOSURE OF DR. RAHUL GUPTA

PLEASE TAKE NOTICE that pursuant to the applicable Federal Rules of Civil Procedure, the Plaintiffs' Executive Committee on behalf of all MDL Plaintiffs with cases pending in the MDL will take the remote oral deposition of Rahul Gupta, M.D.

The deposition of Rahul Gupta, M.D., will take place remotely, upon oral examination and/or by videotape, before an official reporter authorized by law to take depositions, on **August 26, 2021 at 9:00 a.m. (ET) via Remote Technology (Zoom).**

PLEASE TAKE FURTHER NOTICE that Plaintiffs reserve the right to conduct this deposition utilizing **video conferencing/teleconferencing** services. Plaintiff will provide, via Zoom, remote access for all parties wishing to participate via video conference or telephone. Also note that the court reporter and videographer will be appearing via **video conferencing/teleconferencing** and will not be in the presence of the deponent. A stipulation will be made on the stenographic record by all parties that the witness is to be sworn in remotely by the reporter. You are invited to attend and participate in this deposition.

PLEASE TAKE FURTHER NOTICE that pursuant to Federal Rule of Civil Procedure 26(a)(2)(C) Plaintiffs intend to utilize Dr. Gupta as both a fact and non-retained expert witness at the trial of the above captioned Civil Actions. While no Scheduling Order has been entered in

these cases requiring the disclosure of expert witnesses, Plaintiffs disclose the following with respect to the expected expert testimony of Dr. Gupta: a) identity; b) the subject matter upon which Dr. Gupta is expected to testify; c) the substance of the facts and opinions to which Dr. Gupta is expected to testify; and d) a summary of the grounds for said testimony.

a) Rahul Gupta, M.D., M.P.H., M.B.A., F.A.C.P
Senior Vice President and Chief Medical and Health Officer
March of Dimes
1550 Crystal Drive, Suite 1300
Arlington, VA 22202
Phone: (571) 257-2321

Dr. Gupta's background, training and experience are set forth in his *curriculum vitae* attached as Exhibit 1.

Dr. Rahul Gupta served as the commissioner and state health officer for West Virginia from 2015-2018.¹ Dr. Gupta will present evidence and provide testimony on the subject matter of opioid addiction, diversion, the opioid epidemic, based on his personal knowledge and experience, and in conformance with the facts and opinions expressed and set forth in his depositions taken in CT2 (attached as Exhibit 2 and 3), Plaintiffs' Supplemental Federal Rules of Civil Procedure 26(a)(2)(C) Disclosures (S.D. W.V. Case 3:17-cv-01362 - Dkt. 1146-1) (attached as Exhibit 4), and his trial testimony in CT2 (*see* Trial Transcript, Dkt. 1320 and 1323, attached as Exhibits 5 and 6, respectively).

¹Dr. Gupta is a practicing internist with 25 years of clinical experience. Dr. Gupta has authored more than 125 peer-reviewed scientific publications in medicine and public health and served as a principal investigator for numerous well-known clinical trials. Dr. Gupta is a national and global leader in transforming public health practice to advance health equity and create healthier communities. In 2017 Dr. Gupta was named West Virginian of the Year for his work towards battling the opioid epidemic by the Pulitzer prize-winning Charleston Gazette-Mail. Dr. Gupta has been recently nominated by President Biden to lead the Office of National Drug Policy.

Plaintiffs reserve the right to supplement or add to Dr. Gupta's disclosure and/or his opinions.

Dated: August 4, 2021

Respectfully submitted,

/s/ Paul T. Farrell, Jr.

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CERTIFICATE OF SERVICE

I certify that on August 4, 2021, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

/s/ Paul T. Farrell, Jr.

Paul T. Farrell, Jr.